

REMARKS

The Office Action mailed October 6, 2004 has been reviewed and carefully considered. Claims 1-7, 9-25, 27-36, 39 and 40 are pending in this application, with claims 1, 19 and 35 being the independent claims. By the current amendment, Claims 1, 15, 16, 18, 19, 21 and 35 have been amended. New claims 41-43 have been added. New independent claims 41 and 43 recite a mobile terminal device and an appliance device, respectively. Reconsideration of the above-identified application, in view of the amendment and the following remarks, is respectfully requested.

Claims 1, 19 and 35 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,763,247 to Hollstrom et al (hereinafter, "Hollstrom").

Hollstrom teaches a portable telecommunication apparatus (200) having a user interface (250), a programmable controller (210), a memory (220, 230) coupled with the controller (210), and an information access program (240) that is stored in the memory (220, 230) and is executable by the controller (210). The information access program (240) provides access for a user to a global information network through the user interface (250) over a first wireless communication link. The information access program (240) allows a user to control external devices through the user interface (250), external device interfaces (260, 262, 264) and a second communication link.

Although Hollstrom discloses an apparatus(200) that uses the information access program (240) to control external electronic devices within a local environment, the apparatus in Hollstrom controls and operates the external devices through a built-in WAP browser by way of contacting, through a short-range connection, built-in WAP servers of the external devices via the external device interfaces (260, 262, 264). Accordingly, the apparatus disclosed in Hollstrom uses a built-in WAP browser with pre-installed interfaces to control the functionalities of various external devices (Fig. 2, col. 2, lines 22-38 and 60-67; col. 3, lines 1-6, relied upon in the Office Action, page 3). Thus, in order to control and operate a particular external device, the Hollstrom apparatus would need to have each of the matching external device interface drivers pre-installed before it can communicate with each of the external devices (Hollstrom, col. 3, lines 57-63). This requirement hinders the ability of manufacturers to upgrade the software-controllable features on their appliances, and such upgrades would necessarily require either scheduling a

maintenance appointment for this purpose or mailing out an upgrade software CD to be installed by the consumer. The present invention avoids this drawback, as explained on page 12, lines 3-8 of the subject application. Hollstrom does not teach or suggest a method for receiving, in response to a request transmitted within a local environment, an address or URL of a remote location which maintains the appliance control module for each controllable appliance, obtaining the matching appliance control module by using the address for the appliance by contacting the remote location, installing the appliance control module, providing communication between the local server and the appliance, and accessing the local server with a local controller in the local environment to control the appliance, as is now recited in amended independent claim 1.

On the contrary, amended independent claim 1 recites a method that enables a local device, upon sending a query, polling request or control command, to receive a web address or an URL of a remote location maintaining an appliance control module of a particular appliance by requesting that information from the particular appliance via a local connection, and to obtain the appliance control module (ACM) by contacting the remote location containing the ACM by accessing the web address or URL. Therefore, unlike the Hollstrom apparatus, in the method recited in claim 1, there is no need to preinstall multiple interface drivers in the local device, because various ACMs can be downloaded from a remote server URL upon receiving a web address or a URL of the remote server. Hence, the method recited in amended independent claim 1 enables a device to access and obtain interface drivers instantaneously, i.e., after the appliances are purchased and/or after upgraded features on the appliances are available, and not be limited to only interface with appliances that have their interface drivers pre-installed. Further, using the method recited in independent claim 1, it is possible for an operating system of the server modules to check whether a correct driver is selected, and also to include proprietary user interface solutions in the ACMs for different appliances. The apparatus disclosed in Hollstrom fails to disclose or teach any of these features.

Accordingly, amended independent claim 1 is patentable over Hollstrom.

Amended independent claims 19 and 35 recite a structure and a network corresponding to the method recited in amended independent claim 1. Therefore, amended independent claims 19

and 35 are also patentable over Hollstrom for at least the same reasons given for amended independent claim 1.

As for new independent claim 41, this claim is directed to a mobile terminal for use in controlling appliances via communication with a local server that stores an appliance control module for the appliance. The mobile terminal includes means for sending a request for the appliance control module, means for receiving from the appliance an address of a remote location where the appliance control module can be found, means for allowing input of user instructions and for generating output signals for controlling select controllable appliances, and means for communicating the output signals to a local server which has the accessed appliance control module.

New claim 43 is directed to an appliance that is controllable, via its corresponding appliance control module, in a local environment. The appliance includes means for storing an address at which the corresponding appliance control module can be obtained, means for communicating the stored address in response to a request from a mobile terminal, for use in obtaining the appliance control module, and means responsive to commands from a local server having the located appliance control module stored therein for controlling operation of the corresponding appliance.

Dependent claims 2-7, 9-18, 20-25, 27-34, 36, 39 and 40 depending from amended independent claims 1, 19 and 35 are patentable for at least the same reasons given above.

Dependent claims 12-14, 18, 29-31 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hollstrom in view of U.S. Patent 5,909,183 to Borgstahl et al (Borgstahl).

The above-discussed features of applicants' amended independent claims 1, 19 and 35 that are not present in Hollstrom are also not present or suggested in Borgstahl. Moreover, there is no motivation or suggestion in either Hollstrom or Borgstahl to combine those references in any manner, and certainly not in a manner that results in the embodiments recited in applicants' amended independent claims 1, 19 and 35.

Borgstahl teaches a method for programming an appliance by a controller. Although Borgstahl discloses a series of steps of programming appliances from a remote controller, Borgstahl fails to cure the deficiencies of Hollstrom relative to amended independent claims 1, 19 and 35.

For all the reasons given above, amended independent claims 1, 19 and 35 are patentable over Hollstrom and Borgstahl.


Dependent claims 2-7, 9-18, 20-25, 27-34, 36, 39 and 40 depending from amended independent claims 1, 19 and 35 are patentable for at least the same reasons given above. The Examiner's withdrawal of the rejection is respectfully requested.

Likewise, neither of the new independent claims 41 and 43, nor dependent claim 42, are taught by any of the references of record. Thus, it is believed that the new claims are also allowable.

Applicants respectfully submit that this application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By  _____
Michael C. Stuart

Reg. No. 35,698
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: February 7, 2005